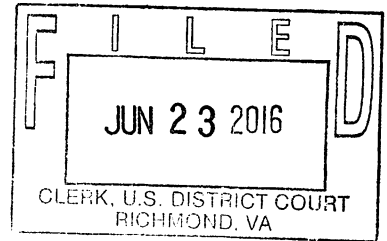


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



UNITED STATES OF AMERICA

v.

Criminal No. **3:03CR420**
Civil Action No. **3:16CV396**

RICHARD DWIGHT BERNARD

MEMORANDUM OPINION

Richard Dwight Bernard pled guilty to conspiracy to distribute more than 1000 kilograms marijuana and possession of a firearm in furtherance of a drug trafficking crime and the Court sentenced him to life imprisonment with sixty months to run consecutively. (*See* ECF Nos. 170, 186.) By Memorandum Opinion and Order entered on September 20, 2007, the Court denied Bernard's motion under 28 U.S.C. § 2255. (ECF Nos. 246.) On June 20, 2016, the Court received another motion under 28 U.S.C. § 2255 from Bernard seeking relief in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). ("§ 2255 Motion," ECF No. 296.)

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). This Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to allow Bernard to file a successive § 2255 motion. Accordingly, Bernard's § 2255 Motion will be **DISMISSED FOR LACK OF JURISDICTION**. A certificate of appealability will be **DENIED**.

The Court notes that Bernard attached the forms for filing a 28 U.S.C. § 2244 motion with the United States Court of Appeals for the Fourth Circuit. The Clerk will be DIRECTED to forward the § 2244 motion and the accompanying § 2255 Motion to the Fourth Circuit.

An appropriate Order shall issue.

Date: 6-22-16
Richmond, Virginia

/s/
James R. Spencer
Senior U. S. District Judge